

POLITICS AND ETHICS OF RESERVATION IN INDIA

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Abstract: This paper is an attempt to give ethical reflections on the ‘politics and ethics of reservation in India’ viewed through the prism of liberation paradigm. The ‘liberation perspective’ is the perspective of ‘various subaltern groups of India’ who are the victims of caste based social order of our society. Their victimization on the basis of caste has been perpetuated by religion on the one hand, and implemented by various political powers at different stages of our history, on the other hand. The ‘reservation’ or reservation policies, meant for the benefit of the subalterns, has developed in the past under the same ‘social order’, and carried on today by those people or groups who wield political power. It is important therefore to understand religio-political equation behind this ‘social order’ that ultimately influences the reservation policies. This equation has been understood from the perspective of the ‘subalterns,’ particularly of Dalits. The special focus is laid on both the politic and ethics of ‘reservation’ with a reference to the 1950 Presidential Order and the Backward Classes Commissions

Key Terms: Ethics, Context, Liberation, Politics, Reservation, Dalit, Shudra, Adivasis, Caste, Constitution of India

1. Introduction

Ethics is a well established discipline as the science or study of human conduct, individual as well as corporate.¹ Soman Das while talking about ‘Christian ethics in a context’ relates it to *ethos* and adds, “Etymologically, ethics have the onerous task of unveiling or unmasking the real reality as against the apparent reality – *maya* – which so often

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¹J. Russel Chandran, *Christian Ethics*, Delhi: ISPCK, 2011, 2.

deceives and distorts our judgment.”² Hunter P. Marbry in his work *Christian Ethics: An Introductory Reader* deals in detail with the concept and models of ethical behaviour where he refers specially to ‘liberation model’ which has developed in recent years, particularly in the developing world. According to him the roots of ‘liberation model’ can be seen historically in the struggles of the oppressed people who wanted to be free from dependence and exploitation. Marbry emphasizes that “the historical and temporal as the reason for the struggle of the oppressed and for those who want to struggle with them.” It should be taken seriously because in their struggle they are seeking: “(1) a radical break with an unjust social order, and (2) realization of salvation as a qualitative and not merely a quantitative dimension of life.” He elaborates it further by saying “On one level this Liberation has to do with overcoming situations of economic, social and political conflict. But this is...only the first level. As a related level, oppressed persons are called not only to seek liberation from dependence but also assume responsibility for their own destiny, to struggle for a fuller life for all humanity, by helping to build a more just and salvific activity.”³

So in this way ‘the liberation model’ becomes the concern of whole ‘ethics’ and it is in this perspective that this paper intends to deal with it. It is also the perspective of ‘various subaltern groups of India’ who are the victims of caste based social order of our society. Their victimization on the basis of caste has been perpetuated by religion on the one hand, and implemented by various political powers at different stages of our history, on the other hand. The ‘reservation’ or reservation policies, meant for the benefit of the subalterns, has developed in the past under the same ‘social order,’ and carried on today by those people or groups who wield political power. It is important therefore to understand religio-political equation behind this ‘social order’ that ultimately influences the reservation policies in India, before we discuss the politics and ethics of reservation. In this paper attempt is being made to analyze this equation from the perspective of the ‘subalterns,’ particularly of Dalits and other Backward classes.

²Soman Das, *Christian Ethics and Indian Ethos*, Delhi: ISPCK, 2009, xi.

³Hunter P. Marbry, *Christian Ethics: An Introductory Reader*, Delhi: ISPCK, 2007, 18-19.

2. Caste-Based Ethics and Politics

The Rigveda is supposed to be the oldest literary source available to us that refers to the origin of four castes in its famous *Purusasukta* hymn. According to this hymn “The *Brahman* was his mouth; of both his arms was the *Rajanya* (*Ksatriya*) made; His thighs became the *vaishya*; from his feet the *Sudra* was produced.”⁴

There are references and testimonies in the text of the *Upanishads* as well that reveal that by the time such texts came into existence, the issue of caste was getting entrenched in our society. For example, the *Chandogya Upanishad*, not only refers to the three upper castes, but also compares Chandala (outcaste) with a dog or a swine. The seventh verse in tenth *khanda* reads as follows:

Accordingly, those who are of pleasant conduct here – the present is, indeed, that they will enter a pleasant womb, either the womb of Brahman, or the womb of a Ksatriya, or the womb of a Vaisya. But those who are of stinking conduct here – the prospect is, indeed, that they will enter a stinking womb – either the womb of dog, or the womb of a swine or the womb of an outcaste (*chandala*).⁵

This verse testifies not only to the existence of caste, but also makes no bones about the social status of the caste-groups as it exists in Indian society. By calling the ‘womb’ of an outcaste a ‘stinking’ one, and by clubbing it with the wombs of a dog or a swine, an obvious attempt is made to further degrade the social status of the outcastes. After placing Dalits on the lowest rung of the social order, they are now being told that their origin is utterly despicable. The verse also makes it clear that their present situation is because of their conduct in the previous birth.

Two great epics of our country, the *Ramayana* and the *Mahabharata*, reveal that the conditions of Sudra (Other Backward Classes) and Adivasi (Scheduled Tribes) deteriorated with the time. Scholars believe that the *Ramayana* was composed about fifth century BC⁶ and the *Mahabharata* was composed later on, in different stages. According to a story in the *Ramayana*, a Sudra once undertook penance to attain divinity. In those days only three upper castes were permitted to do penance and meditation

⁴Ralph T. H. Griffith, *The Hymns of the Rigveda*, Delhi: Motilal Banarsidass, 1986, 603.

⁵Hume, Robert Ernest, trans., *The Thirteen Principal Upanishads*, Oxford: Oxford University Press, 1971, 233.

⁶Zacharias, *An Outline of Hinduism*, Alway: Apostolic Seminary, 1956, 360.

(*tapas*) to seek salvation. As a consequence of disregarding this rule by the Sudra, a Brahman boy died. The bereaved father complained to Lord Rama, who immediately went to question the Sudra. On meeting him, Lord Rama asked him:

You are indeed blessed. Tell me in which caste you have been born. I am Rama, son of Dasaratha. Out of curiosity I have asked you this question. Tell me the truth. Are you a Brahman, Ksatriya or a Sudra? The ascetic replied, “O King! I am born of Sudra caste. I want to attain divinity by such penance. And because I want to attain divinity, I won’t tell lies. I am a Sudra by caste, and my name is Samvuka.”

As soon as the ascetic uttered these words, Rama drew forth his sword and severed Samvuka’s head.⁷

Then Lord Rama asked gods to restore the life of the Brahmin boy to life; he was told by the happy gods that the boy was already revived the moment the Sudra ascetic was killed.

There is an episode that reveals the degraded state of Adivasi in the *Mahabharata* also. The story of Ekalavya, an indigenous boy, recounts how he had to lose his ‘right hand thumb’ only because in spite of his being an Adivasi he dared to learn archery and even outdid Arjuna in the skill. In the days of Mahabharata low castes and the Adivasis did not have the right to education or learn anything apart from their own occupation.⁸

Srimad Bhagavad Gita also not only authenticates the four castes (*chaturvarnyam*), but also tells that these had been created by Lord Krishna himself.⁹ It also counsels the members of each caste to follow faithfully the duties prescribed for them on the basis of their caste.¹⁰

Among the literary sources that throw light on the further development of the caste and related problems is the *Manusmriti* (the ordinances of *Manu*, a handbook of life ethics), which was possibly composed during the period AD 1-700.¹¹ The author(s) of *Manusmriti*

⁷Sen Makhn Lal, trans., *Ramayana*, Calcutta: Rupa & Co., 1989, 699-702.

⁸Jayadyal Goyandaka, ed., *Snkhipat Mahabhrate* (Hindi), Gorakhpur: Gita Press, 69-72.

⁹Swami Vireawaranda, trans., *Srimad Bhagwad-Gita*, Madras: Sri Ramakrishna Math, 1987, 128.

¹⁰Swami, *Srimad Bhagwad-Gita*, 506-508.

¹¹Bumell Arthur Coke, trans., *The Ordinances of Manu*, New Delhi: Oriental Books, 1971, XXIII. Also see Zacharias, *Outline of Hinduism*, 323.

went a step further in defining the status of the outcastes in the society; they were now shorn of the human identity by the law makers. *Manusmriti* accepts only three castes – Brahmin, Ksatriya and Vaisya – as twice-born; Sudra, who belonged to the fourth caste, was supposed to have only one birth. *Manusmriti* also says that “there is no fifth (caste).”¹² To explain the existence of those who were not of the four castes, *Manusmriti* put forward the concept of ‘mixed caste’. ‘Mixed caste’ included those who were born out of inter-caste marriages. There were two main divisions in this group. One was named *anuloma*, in which the male partner belonged to the upper caste and the female partner belonged to the lower caste; and the other was named *pratiloma*, in which it was the other way round. Both the groups were considered lowermost in the social scale.¹³ *Manusmriti* in 10.51.52 narrates the degraded non-human state of these groups in the following words:

The dwelling of Chandalas and Cavpacas (spaka) (should be) outside the village; they should be deprived of dishes (*apapatra*) their property (should consist of) dogs and asses. Their clothes (should be) the garments of the dead, and their ornaments (should be) of iron, and their food (should be) in broken dishes; and they must constantly wander about.¹⁴

By the time *Manusmriti*'s composition was complete (around AD 700), the caste system was fully established and had reached its climax and thereafter everyone had to follow the rule of life (life ethics) as his/her dharma or had to face punishment from the hands of the political power of the days like Samvuka and Ekalavya.

The tenets of *Manusmriti* prescribing strict social and religious discipline, governed the graded Indian society ever since. We have testimonies from later periods of Indian history that show how the influence of caste-system continued even during the Muslim period (AD 700-1700). One of the visitors to India, Al-Beruni, wrote about India of AD 1030. While mentioning the condition of outcastes in Indian society he said:

The people called *Hadi*, *Doma* (Domba), *Chandala*, and *Badhatau* (*sic*) are not reckoned amongst any caste or guild. They are occupied with dirty work, like the cleaning of the villages and other services.

¹² Coke, trans., *Ordinances of Manu*, 305.

¹³ See for discussion on *Anuloma* and *Pratiloma*, Srivastava, Suresh Narain, *Harijans in Indian Society*, Lucknow: Upper India Publishing House, 1980, 25-28.

¹⁴ Bumell, *Ordinances of Manu*, 312.

They are considered like one sole class, and distinguished only by their occupations. In fact, they are considered like illegitimate children; for according to general opinion they descended from a Sudra father and a Brahmin mother as the children of fornication; therefore they are degraded outcastes.¹⁵

3. Politics of Reservation and Presidential Order 1950

During the British period of Indian history, as far as the Indian religious and social practices were concerned, the British maintained the status quo and followed a policy of non-interference. In one of their orders it was declared that “due regard may be had to the civil and religious usages of the natives...”¹⁶ As a result they actively upheld and supported the caste order. Their support of the caste order was to such an extent that “even the protection of caste was decreed (by them) by an Act of Parliament.”¹⁷

However, the work of Christian missionaries influenced the socio-religious situation in India in many ways, particularly in challenging the various religious traditions to evaluate and rethink their approach to the poor and various Dalit groups.¹⁸ But as far as the caste was concerned, the missionaries also upheld the established norm. They even accepted it in the Christian Church.¹⁹ In such a scenario when both the British rulers and the Christian missionaries chose to accept the caste fetters, Dalits could have expected very little from them by way of help.

There was, however, one positive note. During the British period a number of movements were initiated which showed concern for Dalits. There had been tradition of such movements in India since Buddha and Mahavir. Even during Muslim period, the *Bhakti* Movement helped the cause of the Dalits, particularly in the spiritual sphere. This happened mostly through the *Bhakti* saints, who were either non-Brahmans or

¹⁵ Al-Beruni, *India* (abridged edition of Dr. Edward C. Sachan's English Translation and edited by Qeyamuddin Ahmed), New Delhi: National Book Trust, 1988, 46.

¹⁶ Marc Galanter, *Competing Equalities in Law and the Backward Classes in Media*, Delhi: Oxford University Press, 1984, 19.

¹⁷ John William Kay, *Christianity in India*, London: Smith, Elder & Co., 1859, 375.

¹⁸ See for a detailed discussion, *Religion and Society* 36, 4 (December 1989), 26-28.

¹⁹ Kay, *Christianity in India*, 30-33, 352-353.

Dalits.²⁰ The efforts made by the movements during the British period were different in nature. These movements focused on social reforms rather than at total change.²¹ The reformists who led these movements were Jotiba Phule, Ambedkar and Gandhi.

The reform movements and several actions initiated by Christian missionaries²² to improve the condition of Dalits and other subaltern groups ultimately influenced the British Government also to do something in this regard. During this period new titles and phrases were coined to identify Dalits which ultimately led to the policy of reservation. For the first time the existence of the ‘Depressed classes’ was recognized in the text of the Act of 1919.²³ In 1931, the Census Superintendent of Assam made a suggestion to change the title ‘Depressed classes’ to ‘Exterior Castes.’ The argument for this suggestion was that it is a broader title and its connotation does not limit itself to outcaste people only. By ‘outcaste’ we refer to those people who are outside the caste system, while by ‘Exterior Castes’ we would also include those who had been outcastes because of some breach of caste rules.²⁴ However, till 1932 the term ‘Depressed classes’ continued to be used more or less for all kinds of ‘depressed’ people, including the ‘untouchables.’ No effort was made to define this term on the basis of any religion. It was in 1932 that for the first time the term ‘Depressed Classes’ came to be used only for the people who were untouchables. The British Government, which was at that time also trying to help all other minor communities such as Muslims, Christians, Anglo-Indians, and so on, excluded them from the ambit of ‘Depressed Classes’, and bestowed on them special benefits, such as giving them separate communal electorates. Earlier, in 1931 a special committee was also set up to draw a ‘Schedule’ of the castes and classes covered under the ‘Depressed Classes.’ In 1935 when the British government appointed Simon Commission the term ‘Scheduled Castes’

replaced the ‘Depressed classes’ after it was embodied in the Government of India Act, 1935, in Section 305.²⁵

At the Round Table Conference held in London in 1931, Ambedkar demanded a separate electorate for the ‘Depressed Classes,’ whom he always referred to as the ‘Untouchables.’ At this Conference, Ambedkar also proposed that the ‘Untouchables’ be called ‘Protestant Hindus’ or ‘Non-conformist Hindus.’²⁶ Gandhi objected to Ambedkar’s demand for a separate electorate. To counter Ambedkar, Gandhi had also introduced his favourite term ‘Harijan’ to be used in a place of ‘Untouchable.’ This term was not accepted or liked by the untouchables themselves.²⁷ As Gandhi and Ambedkar did not agree with each other at the Round Table Conference, no final decision was taken there.

Finally, the whole matter of a separate communal electorate was left to the Chairman of the Conference, Prime Minister Ramsay Macdonald, who in 1932 issued the Communal Award. In this Ramsay Macdonald also replaced the expression ‘Depressed Classes’ with ‘Scheduled Castes’. From then on the Untouchables of India were known as ‘Scheduled Castes’. Later the same expression was included in the Government of India (Scheduled Castes) Order, 1936.²⁸ Gandhi opposed this Communal Award because of the fear that by this the Schedule Castes would be separated from Hindu society at large.²⁹ Consequently, he went on a fast unto death. This was a precarious situation for which nobody was willing to take the responsibility. Even Ambedkar had to bow and agree to alter the Communal Award in a manner satisfactory to Gandhi.³⁰ An agreement was reached between them: in place of the ‘separate’ electorate, ‘joint’ electorate for the Scheduled Castes with the caste Hindu majority was accepted. This according to Upendra Baxi was a defeat for a political liberal Ambedkar by his shrewd opponent Gandhi. “Gandhi gambled on

²⁰ See for details, R. Sangeetha Rao, *Caste System in India*, New Delhi: India Publishers and Distributors, 1989, 106-116.

²¹ Srivastava, *Harijans*, 247-43.

²² See for summary of these movements and their work, Louise Ouwerkerk, *The Untouchables of India*, Oxford: Oxford University Press, 1945, 16-29.

²³ G. S. Lokhande, *Bhimrao Ramji Ambedkar*, New Delhi: Intellectual Publishing House, 1982, 181.

²⁴ J. H. Hutton, *Caste in India*, Cambridge: Cambridge University Press, 1946, 167.

²⁵ G. S. Ghurye, *Caste and Race in India*, Bombay: Popular Prakashan, 1979, 306.

²⁶ Harold R. Isaacs, *India’s Ex-Untouchables*, Bombay: Asian Publishing House, 1965, 36.

²⁷ Isaacs, *India’s Ex-Untouchables*, 39-41.

²⁸ See for detail discussion, *Bulletin of the Christian Institute for Religious Studies* 20, 1 (January 1991), 3-6.

²⁹ *Bulletin of the Christian*, 66-67. Also see Louise, *The Untouchables*, 4.

³⁰ Upendra Baxi, “Political Justice, Legislative, Reservation for Scheduled Castes and Social Change,” Dr. Ambedkar Memorial Lectures, 1978, University of Madras, 9.

Ambedkar’s self-restraint and won” says Baxi and “the costs of the victory would have to be recorded by the Untouchable historians of future India.”³¹ In this way one more chance of effective liberation and freedom was lost by the Dalits as well as by the other victims of the caste based social order. But Ambedkar at least got a larger number of seats for the Dalits which of course was an achievement.³²

In the post-independent India the reservation policy continues to use the same vocabulary and expression for Dalits. To impress this point a well known document dealing with ‘reservation’ issue, the Constitution (Scheduled Castes) Order 1950 (also known as 1950 Presidential Order) is being referred here. Article 341 (1) of the Indian Constitution empowers the President of India “... by public notification, (to) specify the castes, races or tribes or parts or of groups within castes, races or tribes which shall, for the purpose of this Constitution, be deemed to be Scheduled Castes...”³³ The Constitution, without defining Article 366(24), only refers to the power given to the President of India in Article 341.³⁴ But once the President has given such an order, this list prepared on the basis of Article 342(2) for Scheduled Castes can be changed only through an Act of Parliament.

While exercising the powers conferred in Article 341(1) on him, the President of India promulgated an Order in 1950, known as The Constitution (Scheduled Castes) Order 1950. In drawing the list of the Scheduled Castes, this order almost re-enacted the list of the Government of India (Scheduled Castes) Order 1936,³⁵ which means that as far as identifying the Scheduled Caste people of India was concerned, the Constitution has followed the basis that was laid down by the British Government in 1936. This applies not only to the list, but also to the criterion, which the British Government had used to define the term ‘Scheduled Caste.’ In almost the similar manner the third paragraph of the Order 1950 reads: “Notwithstanding anything contained in paragraph 2, no

³¹ Baxi, “Political Justice,” 9.

³² Zelliot Eleanor, “The Psychological Dimension of the Buddhist Movement in India” in G. A. Oddie, ed., *Religion in South Asia-Religious Conversion and Revival Movements in South Asia in Medieval And Modern Times*, New Delhi: Manohar, 1991,188.

³³ *The Constitution of India*, 178.

³⁴ *The Constitution of India*, 203.

³⁵ See Galanter, *Competing Equalities*, 132.

person who professes a religion different from Hindu, shall be deemed to be a member of a Scheduled Caste.” This paragraph was changed in 1956 by Parliament to “Hindu or Sikh;” and again by Parliament in May 1990, to “Hindu or Sikh or Buddhist.” It clearly means that the position taken by the President and Parliament of India is the same as that of the British Government in 1932-36; both have used “religion” as the criterion to define the Scheduled Castes in the country. The right wing Hindu political party, Bharatiya Janata Party (BJP) has emphasized the correctness of this stand time and again. On June 12, 1990 at Thiruvananthapuram in South India for example, L. K. Advani, a senior leader of the BJP, had given a statement clarifying his party’s stand on this issue. He said:

The BJP is stoutly opposed to any move by the V. P. Singh government to extend reservation to converts to Islam and Christianity from Scheduled Castes and Scheduled Tribes. It has supported the extension of reservation to SC/ST converts to Buddhism because under the Constitution Buddhists and Sikhs and Jains were classified as Hindus. Reservation to converts to other religions would violate the recommendation of the Constituent Assembly.³⁶

This poses the basic contradiction before the Constitution of the country and those responsible for its implementation. The view expressed by Advani and decisions based on such views, not only violate the fundamental rights of the Indian citizens (as in Article 15.1), but also raise the question of human rights based on the principle of equality. The Presidential Order looks good on the surface from all aspects, but if one tries to analyse the spirit of this Order, one realizes how it could be used to aggravate Dalit problem by the powerful religious lobby. Ambedkar had assured that the Constitution of our country rightly maintained the spirit of secularism while guaranteeing full freedom of religion to every citizen (Articles 25, 26, 28, 30); it also forbade any kind of discrimination by the state on the basis of religion (Articles 15, 16, 29, 325). But then the Presidential Order 1950, by making selection on the basis of religion, had not only violated the spirit of the referred Articles of the Constitution, but had also literally gone against every word of those Articles. Interestingly to commit these constitutional violations, the Supreme Head of the country had been used.

³⁶ *Indian Express*, New Delhi, 13 June 1990, 9, column 3.

The other fact which needs to be noted is that by adding the term 'Hindu' in the Presidential Order 1950 once again officially India as a nation has constitutionally upheld the system of caste (*varna*). In this way what Gandhi had won through his 'fast unto death' in 1932 has been affirmed in post-Independent India by those interested to carry on such a system through the Presidential Order.

4. Ethics of Reservation and Backward Classes Commissions

Marc Galanter helps us to understand the underlying values of various backward classes commissions especially the Mandal Commission Report (hereafter referred to as MCR) for reservation when he opens his work on *Competing Equalities: Law and the Backward Classes in India*, with these words:

Indian system of preferential treatment for historically disadvantaged sections of the population is unprecedented in scope and extent. India embraced equality as a cardinal value against a background of elaborated, valued, and clearly perceived inequalities. Her constitutional policies to offset these proceeded from an awareness of the entrenched and cumulative nature of group inequalities. The result has been an array of programmes that I call collectively, a policy of compensatory discrimination.³⁷

This statement of Galanter, is possibly the best summary of MC's efforts and even why MCR. According to it, MCR is part of 'an array of programmes' launched by the Union Government in order to uplift those people or citizens of India, who in the history of India, have been kept forcibly and systematically at a disadvantaged level. To deal with this historical evil, which is an ongoing reality in our society, independent India has accepted 'equality as a cardinal value' for all her citizens. This truth has been stated right in the preamble of our Constitution. Also Articles 15.1.3 and 16.1.3 offer 'equality' as a fundamental right for all citizens of India. But then in the same Article, clauses 15.4 and 16.4 make a special provision for the care of those citizens who are socially and educationally backward, along with Scheduled Castes and Scheduled Tribes. Article 38 under the directive Principles of State Policy makes it clear that it is the duty of the State to promote the welfare of the people by securing a just social order. In the same Article, in clause 2, it is also said that, "The State shall, in particular, strive to minimise inequalities in

income, and endeavour to eliminate inequalities in status, facilities and opportunities..." The constitutional declaration under Article 38.1 also has an implied meaning that there was an unjust order in our country before the advent of the Constitution. Also our Constitution, through its Article 46 has put a responsibility on the State for the special care of weaker sections of the people in the areas of economic and educational interests and for their protection from social injustice and all forms of exploitation. Article 341 takes care of Scheduled Castes and Scheduled Tribes and Article 340 deals with the question of socially and educationally backward classes. It is Article 340 which gives power to the President to appoint a commission to investigate the conditions of the people of Backward Classes and also recommend steps, which can help to improve the conditions of these people.

Under Article 340 of the Constitution, the first Backward Classes Commission was appointed by the President on 29 January 1953 with Kakasaheb Kalelkar as its Chairman. This commission submitted its report on 30 March 1955. As the task of the Commission included determining the criteria for identifying sections of the people who can be included in the list of Backward Classes, it was also supposed to suggest steps to improve their conditions. As for the criteria this Commission suggested 'caste', with which all the members of the Commission did not agree. At the same time the Central government also could not fully agree with this recommendation, so it came to the conclusion that an all India list of Backward Classes is not possible.

Ultimately the Central Government told the State governments, they can fix their own criteria for defining backwardness and can prepare a list of Backward Classes. As a result of which a number of states set up their state level commissions. All these states fixed their reservation quota for the Backward Classes between 66% (which is the highest by Karnataka) and 5% (which is the lowest by Punjab) in the government services, and in the educational institutions highest 68% in Karnataka and lowest 5% in Punjab.

The Second Backward Classes Commission, (known as Mandal Commission 1980) under the Chairmanship of the late B. P. Mandal, was officially appointed on January 1, 1979, and its report of the same was submitted on December 31, 1980. Besides presenting the report to the President, the Commission's main tasks included (1) to determine the criteria for defining the socially and educationally Backward Classes, (2) to recommend steps to be taken for the advancement for the socially and educationally Backward Classes of citizens so identified, and (3) to

³⁷ Galanter, *Competing Equalities*, 1.

examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such Backward Classes of citizens which are not adequately represented in public services, and posts in connection with the affairs of the Union or of any State.³⁸

The Mandal Commission, before making its recommendations, has made a thorough analysis of the root causes of the backwardness of those sections of people whom it ultimately recommended to be included in the list. According to the Commission, the caste system is the root cause of all kinds of backwardness. Its effects have gone right into the being of the people: “The real triumph of the caste system lies not in upholding the supremacy of the Brahmin, but in conditioning the consciousness of the lower castes in accepting their inferior status in the ritual hierarchy as part of the natural order of things.”³⁹

In the Commission’s view, the caste system is not merely a social phenomenon; it is a well-worked out scheme based on scripture, mythology, ritual, etc. According to the Report,

The above scheme of social organisation, transfixed for over 3000 years, had far-reaching effects on the growth and development of various castes and communities. For instance, as exclusive custodians of higher knowledge, the Brahmins developed into a highly cultivated community with special flair for intellectual pursuits. On the other hand, the Shudras, being continuously subjected to all sorts of social, educational, cultural and economic deprivation, acquired all the unattractive traits of an unlettered rustic.⁴⁰

The Commission’s discussion on ‘Social Dynamics of Caste,’ makes clear: “that despite the resolve of our constitution-makers to establish a casteless society, the importance of caste has increased in some of the most important spheres of our national life.”⁴¹ The Commission has also recognised the weakening side of the caste system, particularly where the traditional features of the caste system are concerned.

But what caste has lost on the ritual front, it has more than gained on the political front. This has led to some adjustments in the power equation between the high and low castes and thereby accentuated social tensions. Whether these tensions rent the social fabric or the

country is able to resolve them by internal adjustments will depend on how understandingly the ruling high castes handle the legitimate aspirations and demands of the historically suppressed and backward classes.⁴²

According to MCR the caste system contains in it a very large element of inequality and discriminations.⁴³ The principle of equality is the factor, which the MCR has considered important for the understanding of the conditions of the people belonging to backward classes.

On the face of it the principle of equality appears very just and fair, but it has a serious catch. It is a well-known dictum of social justice that there is equality only amongst equals. To treat unequals as equals is to perpetuate inequality.⁴⁴

Here MCR has raised a vital question, which actually leads toward a contradiction of interests based upon fundamental rights, which are individualistic in nature, and the interests of society, which are given under Directive Principles of State Policy. Also MCR’s overall concerns based upon Article 15.4 and 16.4 are also in direct conflict with the fundamental rights. But this conflict is there, or at least has been felt from the beginning, when Indian Constitution came into existence. MCR quotes from a debate which went on at the time of the First Amendment Bill in 1951, when Pandit Nehru highlighted this conflict in the following words:

If in the protection of individual liberty, you protect also individual or group inequality, then you come into conflict with that Directive Principle which wants, according to your Constitution, a gradual advance or let us put it another way, not so gradual but more rapid advance, wherever possible, to a state where there is less inequality and more and more equality. If any kind of an appeal to individual liberty and freedom is to mean as an appeal to the continuation of the existing inequality, then you get into difficulties. Then you become static, the idea of an egalitarian society which I hope most of us aim at.⁴⁵

Pandit Nehru’s words on the said conflict can help the person, who is willing to see the positive side of the report.

Regarding the tests of a just and equitable order in a human society, MCR is clear that equality of opportunity and of treatment are not real

³⁸ *Report of the Backward Classes Commission, Government of India, 1980, vii.*

³⁹ *Report of the Backward Classes, 14.*

⁴⁰ *Report of the Backward Classes, 16.*

⁴¹ *Report of the Backward Classes, 18.*

⁴² *Report of the Backward Classes, 20.*

⁴³ *Report of the Backward Classes, 14.*

⁴⁴ *Report of the Backward Classes, 21.*

⁴⁵ *Report of the Backward Classes, 22.*

tests, (About the first he says, “Equality of opportunity promised under Article 16(1) of the Constitution, is actually a liberation and not egalitarian principle as it allows the same freedom to everybody in the race of life.”⁴⁶ About the second, MCR quotes from H. B. Gans, who says, “... equality of treatment suffers from the same drawback as equality of opportunity, for to treat the disadvantaged uniformly with the advantaged will only perpetuate their disadvantage.”⁴⁷ MCR talks about the third test:

If a tree is to be judged by its fruits, equality of results is obviously the most reliable test of our aspiration and efforts to establish a just and equitable order. A formidable task under any circumstance, it becomes particularly so in a society which has remained segmented in finally graded caste hierarchy for centuries.⁴⁸

About the questions of ‘merit’ and ‘privilege,’ the MCR makes a concluding remark in these words:

In fact, what we call ‘merit’ in an elitist society is an amalgam of native endowments and environmental privileges... The conscience of a civilized society and the dictates of social justice demand that ‘merit’ and ‘equality’ are not turned into fetish and the element of privilege is duly recognised and discounted for when ‘unequals’ are made to run the same race.⁴⁹

According to the MCR the institution of the caste contains in it a very large “element of inequality and discrimination.”⁵⁰ The principle of equality is the factor which the Commission has considered important for the understanding of the condition of the people belonging to the backward classes. About this principle the Report says: “On the face of it the principle of equality appears very just and fair, but it has a serious catch. It is a well accepted dictum of social justice that there is equality only amongst equals. To treat unequals as equals is to perpetuate inequality.”⁵¹

On 7 August 1990 when the former Prime Minister V. P. Singh announced the implementation of the Mandal Commission Report, it

⁴⁶ *Report of the Backward Classes*, 22.

⁴⁷ H. J. Gans, *More Equality*, New York: Pantheon, 1973, quoted in *Report of the Backward Classes*, 22.

⁴⁸ *Report of the Backward Classes*, 22.

⁴⁹ *Report of the Backward Classes*, 23.

⁵⁰ *Report of the Backward Classes*, 14.

⁵¹ *Report of the Backward Classes*, 21.

shook Indian society to its very foundation. The various assessments and views, both for and against, were pronounced and are being pronounced even today. The Indian Express (August 18, 1991) published two short articles under the title *Is Mandal Still a Burning Issue?* S. S. Gill wrote in favour of MCR saying “Mandalisation is basically a question of sharing power ...” while according to Hiranmay Karlekar “It was clearly a cynical political move...”⁵² To some extent, both these writers are correct: ‘sharing power’ and ‘a cynical political move’ are in a way judgments upon those who try to implement the Mandal Commission with their own agenda before them. But as far as Dalits are concerned, MCR and its recommendations are really the culmination of the age old struggle of oppressed human beings, who for more than 3000 years have been losing. Brindavan Moses wrote on 15 September 1990 in the *Economic and Political Weekly* wrote:

The extremely disturbing fact to be reckoned with in this context is that the upper and middle classes are not merely up in arms against the proposed reservations for the backward classes/castes in government jobs, but are also asserting their right to overlordship in perpetuity over those whom they treat with contempt as the incompetent and unqualified.⁵³

5. Conclusion

While summing up the discussion it can be stated that in the history of our country the three forces of caste, politics and religion are not only closely associated with one another, but these even change location with one another as per the need and wishes of the dominant caste groups. In fact the dominant section of our society has ingeniously used these forces as tools to keep them in power and control. The meaning given to various expressions coined by the dominants, were/are invariably covered in a mask of ‘truth’ that always regulated the thought process of our society. So for centuries we believed in the divine origin of the caste system given in *Purushasukta* hymn of the Rigveda, and we accepted the symbolic use of ‘pleasant womb’ and ‘stinking womb’ and its association with the ‘good’ and ‘bad’ conduct of the members of the society. All this shows how religion was used initially to cleverly establish a lie so that a big section of

⁵² *Indian Express*, New Delhi, 18 August 1991, 8.

⁵³ Moses Brindavan C., “New Delhi’s Elite’s Battle for Status Quo” in *Defenders of Mandal Commission: A Collection of Articles, Views and News*, Madras: LEAS, 33-34.

credulous, gullible people could be subjugated to serve the dominants. It also speaks volumes of the ethical thinking of the so-called upper caste people who could, for their advantage, dehumanize this section to such an extent that they could compare the womb where those people took birth to the womb of a dog or a swine.

In the next stage, after their lie was well established in the society, we see the interplay of politics in perpetuating that lie. So, Shudra boy was killed in the *Ramayana* for meditating and Eklavya was maimed in the Mahabharata for learning archery only to maintain the status quo in the society. In other words, those two children were harmed only to set an example so that no one dared to challenge the dominant section of the society. The mythical basis of caste division and the fact of dominance of the so-called higher caste in the society was formally authenticated by Lord Krishna in the *Gita*; its fundamental tenets were also finally given shape in *Manusmriti*. So, it was by such clever interplay of religion and politics that the caste system got firmly entrenched in Indian society.

The grip of supremacy of the so-called upper caste people was never loosened after that. Even the powerful invaders like Mughals and British, who ruled the country for well over one thousand years, accepted that social arrangement. Sporadic movements no doubt were organized off and on against it, but their focus was either on spiritual emancipation of Dalits (as in Bhakti movement) or on their social elevation (as thought of by Mahatma Phule or Gandhi). Except Ambedkar, however, no one seems to have struggled to strike at the roots of the system as such, though there winds of change unmistakably entering Indian society. The introduction of English education and science was slowly lifting the veil from the 'truth' of the origin of caste system. The egalitarian religion introduced by the Christian missionaries forced reformation in Hinduism. The British political rulers were also contemplating to offer reservation to both Dalits and religious minorities so that they could share power.

Ambedkar gave a positive shape and strength to the struggle of Dalits and other historical victims of caste-based social order as never before. He framed the Constitution for Independent India to usher in many reforms in our society. With Independence a dawn of new hope began. But as we have seen, here too the dominant group of the society tried to usurp the Constitution and manipulate it to their advantage by linking specially the provision of Dalit reservation with religion. This would provide them with the handle to keep Dalits from converting to Christianity or Islam, and continue to remain as the exploited lot of the society. In doing so, the

dominants not only violate the principle of fundamental rights that is enshrined in our Constitution, but also act in utmost unethical manner by not allowing the downtrodden people to move ahead in life because that would take away the option of cheap labour from them. However, Dalit struggle continues in the post-independent India with special emphasis on their cultural, political and economic rights. Today the 'politics of number,' the issue of 'independent identity' and the policy of 'protective discrimination' are taking their struggle to fresh level.

It may be worthwhile here to refer to the views of Dr Ambedkar according to whom the spirit behind the Indian Constitution was to establish an 'ideal' or 'just society based upon the three universal principles, "liberty, equality and fraternity."' He elaborated this by saying, "Justice is simply another name of these principles."⁵⁴ Ambedkar's 'just society', which he also called a 'democratic society,' involved two things: "The first is an attitude of mind, an attitude of respect and equality towards other fellow beings. The second is a social organization free from rigid social barriers."⁵⁵ At another place Ambedkar also warned that "those who continue to suffer from inequality in a society are sure to blow up (its) structure one day, if justice is not given to them."⁵⁶ In other words, what he wanted to emphasize was that there cannot be a 'peace without justice'.

Dalit struggle today under the guidance of the present social and political leaders has acquired a broader outlook. The goal of their struggle now is not the liberation of Dalit community only, but also the liberation of their oppressors. In this way they could become the instrument of establishing a 'just society' where all will live with fuller redeemed dignity and recovered humanity. What else can be a more ethical society?

⁵⁴ B. R. Ambedkar, *Dr. Babasaheb Ambedkar: Writings and Speeches*, vol. 3, compiled by Vasant Moon, Bombay: Education Department, Government of Maharashtra, 1989, 3-150.

⁵⁵ B. R. Ambedkar, "Ranade, Gandhi and Jinnah" in *Dr. Babasaheb Ambedkar: Writings and Speeches*, vol. 1, 222.

⁵⁶ *Constituent Assembly Debates*, Official Report, Book No. 5, Vol. XI, 14-11-1949 to 26-11-1949, New Delhi: Lok Sabha Secretariat, 1999, 979.